

REMARKS

The Application has been carefully reviewed in light of the Final Action mailed June 15, 2004. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-7 and 15-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Moran. Independent Claims 1 and 15 recite in general the ability to receive hypothetical demographic changes and display hypothetical feedback information resulting from the hypothetical demographic changes in order to see how a customer's standing changes in a selected peer group. By contrast, the Moran patent is directed to a financial planning and advice system that allows a financial advisor to input information about a customer in order to provide financial advice. The Moran patent has no capability for a customer to input data into its financial planning and advice system let alone to include hypothetical demographic changes in order for a customer to see the effects of those changes in the selected peer group. As a result, the Moran patent has no capability to receive responses to customer questions from the customer as required by the claimed invention. Moreover, the Moran patent merely shows that an advisor can enter demographic data on an economic group. See col. 11, line 50, to col. 12, line 6, and col. 16, lines 25-45, of the Moran patent. The Examiner has yet to show how the Moran patent discloses an online interaction between a customer and a survey system that provides the customer options operable to adjust the customer's actual demographic to a hypothetical demographic and allow the customer to see the effect of the hypothetical demographic changes as required by the claimed invention. Therefore,

Applicant respectfully submits that Claims 1-7 and 15-17 are not anticipated by the Moran patent.

Claims 23-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Horowitz, et al. Independent Claim 23 recites ". . . targeted marketing reports dynamically generated based on a set of decision rules, the set of decision rules dynamically generated based on data received from the customers." By contrast, the portions of the Horowitz, et al. patent cited by the Examiner are merely directed to providing a fixed advice to a customer based on customer data gathered from static sources. The Horowitz, et al. patent does not provide an ability to dynamically generate targeted marketing reports based on a set of decision rules that are themselves dynamically generated based on customer data as provided in the claimed invention. The token data identified by the Examiner is merely the advice provided to the customer. It has no relation to the decision rules of the claimed invention nor is it dynamically generated based on data received from customers. Thus, the Horowitz, et al. patent fails to disclose dynamic generation of targeted marketing reports from dynamically generated decision rules based on data received from the customer. Therefore, Applicant respectfully submits that Claims 23-25 are not anticipated by the Horowitz, et al. patent.

Claims 8-14, 18-22, and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moran in view of Horowitz, et al. Independent Claim 1, from which Claims 8, 9, 11-14, 26, and 27 depend, and Independent Claim 15, from which Claims 18, 19, 21, 22, and 28 depend, have been shown above to be patentably distinct from the Moran patent. Moreover, the Horowitz, et al. patent does not include any additional material combinable with the Moran patent that would be

material to patentability of these claims. Similarly, Independent Claims 10 and 20 include similar limitations shown above to be patentably distinct from the Moran patent. Moreover, the Horowitz, et al. patent does not include any additional material combinable with the Moran patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 8-14, 18-22, and 26-28 are patentably distinct from the proposed Moran - Horowitz, et al. combination.

Applicant again notes that the Examiner has merely provided an omnibus rejection of the claims with vague citations to the prior art without a showing of how each and every element of each and every claim are shown in the prior art. In fact, not only has the Examiner not shown how each and every element of the independent claims are disclosed by the cited art, many of the elements of the dependent claims are not even mentioned by the Examiner in the Office Action. For example, the Examiner has yet to even mention any of the limitations of dependent Claims 2-7, 16, 17, 24, and 25. The Examiner made no correlation to any element of any claim with respect to the cited art. For example, with respect to Independent Claim 1, the Examiner has failed to show in the citations to the Moran patent that there is disclosure with respect to the limitations required by Claim 1. The Examiner merely points to a group of citations in the Moran patent without any correlation to any claim limitation. However, none of these citations support the limitations of the claim. As a result, the grounds for rejection have not been fully and clearly stated pursuant to M.P.E.P. §707.07. Accordingly, Applicant respectfully requests withdrawal of the finality of the present Office Action so that a complete and proper examination of the present Application can be performed

pursuant to M.P.E.P. §707.07 to include a showing of how each and every element of each and every claim is disclosed in the prior art as is required not only for a proper 35 U.S.C. §102 rejection but also for a proper 35 U.S.C. §103 rejection as well.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of Claims 1-28.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'Charles S. Fish', with a stylized flourish at the end.

Charles S. Fish

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